

**Proposed Substitute
Bill No. 6035**

LCO No. 5565

**AN ACT CONCERNING THE APPLICATION OF PESTICIDES AT
STATE FACILITIES AND AUTHORIZING THE USE OF CERTAIN
MICROBIALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2015*) (a) As used in this
2 section:

3 (1) "Pesticide" means a fungicide used on plants, an insecticide, an
4 herbicide or a rodenticide, but does not mean a sanitizer, a
5 disinfectant, an antimicrobial agent or a pesticide bait in a tamper-
6 proof container;

7 (2) "Microbial pesticide" means a pesticide that consists of a
8 microorganism as the active ingredient;

9 (3) "Biochemical pesticide" means a naturally occurring substance
10 that controls pests by nontoxic mechanisms;

11 (4) "Lawn care pesticide" means a pesticide registered by the United
12 States Environmental Protection Agency and labeled pursuant to the
13 federal Insecticide, Fungicide and Rodenticide Act for use in lawn,
14 garden and ornamental sites or areas except (A) a microbial pesticide
15 or biochemical pesticide that is registered with the United States

16 Environmental Protection Agency, (B) a horticultural soap or oil that is
17 registered with the United States Environmental Protection Agency
18 and does not contain any synthetic pesticide or synergist, or (C) a
19 pesticide classified by the United States Environmental Protection
20 Agency as an exempt material pursuant to 40 CFR 152. 25;

21 (5) "Certified pesticide applicator" means a pesticide applicator with
22 (A) supervisory certification under section 22a-54 of the general
23 statutes, or (B) operational certification under section 22a-54 of the
24 general statutes, who operates under the direct supervision of a
25 pesticide applicator with said supervisory certification;

26 (6) "Controlling authority" means the executive head of any state
27 agency or public institution of higher education who is responsible for
28 the maintenance of any property under the custody, control or care of
29 such state agency; and

30 (7) "State agency" has the same meaning as provided in section 4-37e
31 of the general statutes except The University of Connecticut Research
32 Farm shall not constitute a state agency for purposes of this section.

33 (b) No person other than a certified pesticide applicator shall apply
34 pesticide on any property that is under the custody, control or care of
35 any state agency, except a person other than a certified pesticide
36 applicator may make an emergency application of pesticide to
37 eliminate an immediate threat to human health, including, but not
38 limited to, the elimination of mosquitoes, ticks and stinging insects,
39 provided (1) the controlling authority determines such emergency
40 application of pesticide to be necessary, (2) the controlling authority
41 deems it impractical to obtain the services of a certified pesticide
42 applicator, and (3) such emergency application of pesticide does not
43 involve a restricted use pesticide, as defined in section 22a-47 of the
44 general statutes.

45 (c) No person shall apply a lawn care pesticide on the grounds of
46 any property that is under the custody, control or care of any state
47 agency, except an emergency application of pesticide may be made to

48 eliminate an immediate threat to human health, including, but not
49 limited to, the elimination of mosquitoes, ticks and stinging insects,
50 provided (1) the controlling authority determines such emergency
51 application of pesticide to be necessary, and (2) such emergency
52 application of pesticide does not involve a restricted use pesticide, as
53 defined in section 22a-47 of the general statutes.

54 (d) Prior to providing for any application of pesticide on the
55 grounds of any property that is under the custody, control or care of
56 any state agency, the controlling authority shall, within the existing
57 budgetary resources available to the controlling authority, provide
58 public notice of such application not later than twenty-four hours prior
59 to such application of pesticide. Such public notice shall be posted on
60 the Internet web site of the applicable state agency. If a controlling
61 authority determines an emergency application of pesticide to be
62 necessary pursuant to subsection (c) of this section, such notice shall be
63 given as soon as practicable. Notice under this subsection shall include
64 (1) the name of the active ingredient of the pesticide being applied, (2)
65 the target pest, (3) the location of the application of pesticide on the
66 grounds of the property that is under the custody, control or care of
67 such state agency, and (4) the date or proposed date of the application
68 of pesticide. A copy of each notice of such application of pesticide at
69 property that is under the custody, control or care of any state agency
70 shall be maintained by the applicable controlling authority for a period
71 of five years from the date of application of the pesticide and available
72 to members of the public.

73 Sec. 2. Section 10-231a of the general statutes is repealed and the
74 following is substituted in lieu thereof (*Effective from passage*):

75 As used in sections 10-231b to 10-231d, inclusive, [and section 19a-
76 79a,] (1) "pesticide" means a fungicide used on plants, an insecticide, a
77 herbicide or a rodenticide, but does not mean a sanitizer, disinfectant,
78 antimicrobial agent or pesticide bait in a tamper-resistant container, (2)
79 "lawn care pesticide" means a pesticide registered by the United States
80 Environmental Protection Agency and labeled pursuant to the federal

81 Insecticide, Fungicide and Rodenticide Act for use in lawn, garden and
82 ornamental sites or areas. "Lawn care pesticide" does not include any:
83 (A) Microbial pesticide or biochemical pesticide that is registered with
84 the United States Environmental Protection Agency, (B) horticultural
85 soap or oil that is registered with the United States Environmental
86 Protection Agency and that does not contain any synthetic pesticide or
87 synergist, or (C) a pesticide classified by the United States
88 Environmental Protection Agency as an exempt material under 40 CFR
89 152.25, [and] (3) "integrated pest management" means use of all
90 available pest control techniques, including judicious use of pesticides,
91 when warranted, to maintain a pest population at or below an
92 acceptable level, while decreasing the use of pesticides, (4) "microbial
93 pesticide" means a pesticide that consists of a microorganism as the
94 active ingredient, and (5) "biochemical pesticide" means a naturally
95 occurring substance that controls pests by nontoxic mechanisms.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2015</i>	New section
Sec. 2	<i>from passage</i>	10-231a